

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules to)	
Ensure Compatibility With Enhanced 911)	CC Docket No. 94-102
Emergency Calling Systems)	
)	
Amendment of Parts 2 and 25 to Implement)	
the Global Mobile Personal Communications)	
by Satellite (GMPCS) Memorandum of)	IB Docket No. 99-67
Understanding and Arrangements; Petition of)	
the National Telecommunications and)	
Information Administration to Amend Part 25)	
of the Commission's Rules to Establish)	
Emissions Limits for Mobile and Portable)	
Earth Stations Operating in the 1610-1660.5)	
MHz Band)	
)	

REPLY COMMENTS OF ACUTA

The Association for Communications Technology Professionals in Higher Education ("ACUTA") respectfully submits these comments in response to the Federal Communications Commission's ("FCC's" or "Commission's") *Second Further Notice of Proposed Rulemaking* in the above-captioned proceedings.¹ ACUTA is a non-profit association whose members include over 780 colleges and universities throughout the United States, Canada, and other countries. ACUTA members include both large and small non-profit institutions of higher education, ranging from several hundred students to major research and teaching institutions with greater than 25,000 students. ACUTA member representatives have primary responsibility for managing telecommunications services on college and university campuses.

¹ *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-290 (2003) ("*December Order*").

ACUTA supplements the record with more recent data on the current status of enhanced 911 (“E-911”) compliance for member institutions using multi-line telephone systems (“MLTS”). In addition, ACUTA reiterates that any E-911 regulations applicable to MLTS must provide sufficient flexibility to MLTS operators, and that the FCC must move forward aggressively to develop E-911 solutions for VoIP and wireless services.

MLTS E-911 Compliance Faces Some Roadblocks. In April 2004, ACUTA conducted a survey of member institutions regarding their ability to provide E-911 location information to Public Safety Answering Points (“PSAPs”). In all, over 120 institutions provided detail on their use of MLTS and VoIP offerings and their compliance with E-911. This survey reaffirms that the vast majority of members (83 percent of respondents) incorporate MLTS/PBX solutions in either residential facilities (dorms) or business facilities (academic and administrative buildings), or both. Encouragingly, almost 64 percent of these institutions have successfully integrated E-911 solutions that provide location information to public safety agencies. Members that have not yet done so indicate that technical limitations and cost considerations remain the most significant hurdles to providing the requisite location information.

E-911 Regulations Must Provide Flexibility to MLTS Operators. Any E-911 regulations – federal or state – applicable to MLTS operators serving colleges and universities must provide operators with flexibility to ensure that E-911 regulations enhance, rather than impair, the delivery of necessary location information to the most appropriate public safety personnel. The Commission has accurately stressed the need for a “flexible approach to addressing MLTS implementation.”² In particular, the Commission has determined that E-911 compliance issues

² *December Order*, ¶ 59.

regarding MLTS are “best addressed at the state and local level,” but has also acknowledged the “value of a national approach where states fail[] to act.”³ The FCC must ensure that states move forward in adopting solutions promptly that reflect the Commission’s concern that “the unique needs and circumstances of various residential and business MLTS users” are addressed.⁴ And, the FCC should monitor state action to guarantee that NENA’s Model Legislation is incorporated as “a valuable template” as instructed.⁵

Without the flexibility included in the Model Legislation, E-911 MLTS regulations may prove to be difficult to implement and counterproductive. For example, the ability of MLTS operators to provide location information to alternative PSAPs, including campus security personnel, is essential. Over 28 percent of ACUTA members responding to the survey currently provide emergency location information to internal campus police. The Model Legislation recognizes the important role of these departments due to their intimate knowledge of campus facilities and their proximity to any emergency. Regulations that would disallow the use of alternative PSAPs or add layers of regulation onto such operations would frustrate the ability of campus administrators to efficiently and effectively provide vital emergency access services. Other components of the Model Legislation are also fundamental to the ultimate success of any regulations, *e.g.*, the need to grandfather older equipment, and the need for a clear waiver process for non-compliant facilities.

ACUTA also supports TIA’s call for E-911 solutions that provide greater flexibility to MLTS operators by permitting location information to be transmitted separately from the phone

³ *December Order*, ¶ 114.

⁴ *December Order*, ¶ 55.

⁵ *December Order*, ¶ 53.

number making the 9-1-1 call.⁶ For example, a professor may have the same number assigned to a wireless phone, an office phone, and a laboratory phone. Advanced E-911 functionality is warranted to ensure that the specific location of each extension is received by PSAPs.

Other proposals to maximize MLTS operator flexibility with respect to better and faster options to connect to local carriers should be considered.⁷ Similarly, in response to Verizon's suggestion that MLTS operators should not have the flexibility to directly access 911 database/change information, there is no reason why MLTS operators cannot exhibit a high degree of accuracy in database maintenance with appropriate knowledge of the process and attention to detail.⁸ Many large campuses own and operate carrier-level switches and maintain sophisticated and complete databases of location information that can be seamlessly and accurately exchanged with carrier databases. In fact, as technologies change with the implementation of VoIP and increased use of wireless and computer-based telephony, many campus telecommunications administrators are often in a better position than local carriers to accurately maintain location data on their campuses. In addition, as campuses frequently undertake construction and/or occupancy of new facilities, campus administrators possess the most current and accurate data with regard to extension locations.

Significant Adoption of VoIP MLTS Solutions is Hindered by Limited E-911 Access.

In response to the FCC's request for input on the growth of VoIP functionalities for MLTS, ACUTA members have reported a significant increase from last year in the number of campuses

⁶ Comments of the Telecommunications Industry Association, CC Docket No. 94-102, at 3 (Mar. 29, 2004).

⁷ *December Order*, ¶ 117.

⁸ Comments of Verizon, CC Docket No. 94-102, at 9-10 (Mar. 29, 2004).

implementing VoIP solutions in some manner: up from 21 percent to 35 percent.⁹ These figures include both VoIP MLTS services as well as stand-alone VoIP offerings. Notably, only 15 member institutions (12%) report that their VoIP services are E-911 compliant.

Nonetheless, VoIP services hold great promise both inside and outside of a MLTS environment for college campuses and public safety needs. Because of the potential breadth of VoIP services, the FCC should address VoIP E-911 issues within the broader VoIP NPRM released subsequent to the *December Order*. Deferral to the general VoIP proceeding should not, however, de-emphasize the pressing need for E-911 compliant MLTS VoIP functionalities. The continued inability of VoIP technologies to reliably and affordably transmit location information will curtail the ability of campus administrators to rollout VoIP solutions on a wider basis.¹⁰ That said, the Commission must balance this need to ensure that consumers have access to emergency services from VoIP devices with the risk of imposing obstructive requirements on a nascent technology.

⁹ *December Order*, ¶ 115.

¹⁰ The Commission must also move forward with its continued efforts to prod the wireless community to provide E-911 service through regulation, enforcement, and encouragement. The importance of wireless E-911 cannot be underestimated; many employees and students rely heavily on their wireless phones, and wireless solutions are being increasingly developed for wider campus use. The continued limitations in wireless E-911 compliance hamper that development.

Conclusion. ACUTA recommends that the Commission:

1. Monitor state implementation of the *December Order* to ensure that states act in a prompt and appropriate manner, providing necessary flexibility to MLTS operators to maximize public safety access.
2. Work with the VoIP and wireless communities on the development of readily available, affordable and reliable E-911 solutions.

Respectfully submitted,

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